

MEMO ENDORSED

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VIA ECF

Hon. Valerie E. Caproni
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: GateGuard, Inc. v. Goldmont Realty Corp., et al.
Case No.: 1:20-cv-01609-VEC-GWG
Joint Status Update

Dear Judge Caproni:

I represent Plaintiff Ari Teman ("Plaintiff") in the above referenced action. Pursuant to the of Magistrate Judge Gabriel W. Gorenstein dated August 25, 2022, Dkt. 124 (the "August 25 Order"), I write on behalf of Plaintiff and Defendants Goldmont Realty Corp., Leon Goldenberg and Abi Goldenberg (collectively, "Defendants") to provide your Honor with the following joint status update.

On March 10, 2022, the above-captioned matter was referred to mediation. Dkt. 109. The mediation was unsuccessful. Dkt. 121. Judge Gorenstein then directed the parties to indicate whether they would be seeking to file summary judgment motions and whether Plaintiff would be seeking a jury trial. Dkt. 122. The parties informed the Court that Defendants would be filing a summary judgment motion and provided a proposed briefing schedule for the summary judgment motion. Dkt. 123. The parties also informed the Court that Plaintiff was contemplating filing a Motion to Disqualify Simcha Schonfeld and his firm, Koss & Schonfeld, LLP, from further participation in the matter. *Id.* To correct an oversight on his part, Plaintiff also separately wrote the Court to indicate that Plaintiff would be seeking a jury trial. Dkt. 125. Judge Gorenstein endorsed the proposed briefing schedule and directed Plaintiff to file any Motion to Disqualify by September 1, 2022. Dkt. 124. Plaintiff then filed the Motion to Disqualify on September 1, 2022. Dkt. 126.

The parties have conferred and propose that Defendants file their Opposition to the Motion to Disqualify on or before September 30, 2022 and that Plaintiff file its Reply on or before October 14, 2022. In light of this motion and proposed briefing schedule, the parties further propose that a revised briefing schedule for Defendants' Summary Judgment Motion be deferred until the Court has ruled on the pending Motion to Disqualify.

In addition, as requested by the Court in its August 25 Order, and as previously communicated to the Court, Dkt.125, Plaintiff hereby confirms that he intends to seek a trial by jury.

I thank the Court for its courtesies in this matter.

Respectfully Submitted,



Eden P. Quainton

cc: Hon. Gabriel E. Gorenstein (via ECF)
All Counsel of Record (via ECF)

Application GRANTED in part. This case has been referred to Magistrate Judge Gorenstein for all general pretrial matters, including non-dispositive pretrial motions. *See* Dkt. 40. Accordingly, Plaintiff's Motion to Disqualify Defense Counsel is returnable to Judge Gorenstein, *see* Dkt. 124; any adjournments or modifications to briefing deadlines of that motion are subject to Judge Gorenstein's approval.

The deadline to move for summary judgment is hereby ADJOURNED *sine die*. The parties must file a proposed briefing schedule for any summary judgment motions **within one week** of Judge Gorenstein's decision on the Motion to Disqualify.

SO ORDERED.



Date: 9/9/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE